

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD PITRE,

Plaintiff,

- against -

THE CITY OF NEW YORK,
FIRE DEPARTMENT OF THE CITY
OF NEW YORK, JAN BORODO,
individually,
JOHN FIORENTINO individually, and
JOSEPH M. MASTROPIETRO, individually,

Defendants

Civ. Case No.:
Case No. 18-CV-5950

PLAINTIFF'S VOIR DIRE
QUESTIONS

Plaintiff Edward Pitre submits the following proposed voir dire questions in the above-captioned matter.

Please indicate if your answer to any of the following questions is “yes.” If you would prefer not to give your answer in open court, please say so.

PART I:

1. Do you have any problems with your hearing or vision that would prevent you from giving attention to all the evidence at trial?
2. Do you have any medical problems, are you taking any medication, or do you suffer from any condition that might interfere with your service as a juror in this case or make it difficult for you to give the case your full attention?
3. Do any of you have personal problems, such as pending divorce, bankruptcy/anything else which would make it difficult for you to sit and consider evidence and to concentrate for a period of time?
4. Are there any illnesses in the family/hospitalizations or other such known situations which would be distracting to you and therefore make it difficult to concentrate and consider evidence in this case?

5. Do you have any difficulty understanding or reading English?
6. Do you have any reservations about discussing your opinions with other people?
7. Do you have any reservations about sitting in judgment of others?
8. Do you have any personal knowledge of the claims in the case as I have described them to you?
9. Is there anything about the nature of the claims that would prevent you from deciding the issues in this case fairly and impartially?
10. Have you read or heard anything about this case from any source whatsoever, prior to today? If so, is there anything you have read or heard that would prevent you from deciding the issues in this case fairly and impartially?
11. Do you personally know the attorney for Plaintiffs, Seamus Barrett, Ian Bryson or Zachary Holzberg?
12. Do you personally know any attorney at or associated with the Derek Smith Law Group?
13. Do you personally know the attorneys for Defendants, Lauren Silver and Desiree Alexander?
14. Do you personally know any attorney at or associated with the Law Department of the City of New York?
15. Do you personally know of the following individuals;
 - a. Edward Pitre?
 - b. Joseph Mastropietro?
 - c. John Fiorentino?
16. Have you or anyone you know ever worked for the City of New York or the FDNY?

17. ASSOCIATES, D.D.S., P.C.?

18. Do you know any of the following individuals who may be called to testify at trial:

- a. Dudley Placide
- b. Gregory Seabrook
- c. Ismael Ortiz
- d. Madeline Cuevas (nee Ramos)
- e. Joseph K. Adams

19. Have you or anyone close to you ever worked in a municipal job?

20. Have you ever been in a union? If so, which union?

21. Have the jurors served in a civil case?

22. Have the jurors served in a criminal case?

23. Were any of the jurors jury foremen/forewomen?
24. Did you deliberate to a verdict?
25. Will anything about your involvement in that case affect your ability to sit in this case?
26. Have the jurors ever been a witness?
27. Have the jurors ever been an investigator?
28. Have you ever been a party to a civil lawsuit, whether by having brought the lawsuit or by defending the lawsuit? If so:
 - a. What was the nature of the case?
 - b. Were you the plaintiff or the defendant?
 - c. Were you represented by a lawyer?
 - d. Was there a trial before a judge or a jury?
 - e. How did the lawsuit conclude?
29. Has an employer ever fired you?
30. Have you ever felt sexually harassed at the workplace?
31. Have you ever been in a situation where you felt like you were being forced out of a job?
32. Have you or anyone close to you ever owned a business or owned an interest in a corporation or business?
33. Have you ever had an employment complaint, charge, claim, grievance, or lawsuit filed against you by an employer or employee?
34. Have you or anyone close to you made any kind of complaint against an employer, co-worker, or employee?

35. Have you ever been involved in a trial, arbitration, or other legal proceeding involving an employment dispute?
36. Have you ever worked at a job at which coworkers engaged in conversation and behavior including racist comments?
37. Should someone who is being retaliated against or discriminated against—or who sees this happening—do something about it?
38. Have you or anyone you are close to been discriminated or retaliated against in the workplace or otherwise?
39. Have you or anyone you are close to been accused of discrimination or retaliation in the workplace or otherwise?
40. Do you believe your current employer treats employees fairly?
41. Have you or anyone close to you ever been retaliated against because of a complaint you or the person close to you made about how you were treated at work?
42. Has anyone ever accused you or someone you know of racism?
43. Do you believe any races are superior to any other races?
44. Do you believe disabled people do not deserve to work?
45. Have you or anyone close to you been a victim of a crime?
 - a. What was the nature of the crime?
 - b. Was anyone ever prosecuted for the crime?
 - c. If so, what was the outcome of the prosecution? Have you ever managed employees at work?
46. Have you ever had a supervisor at work?
47. Are you or is any member of your family an attorney?
48. Are you or is any member of your family a law enforcement officer?
49. Are you current or have you ever held an elected position?

50. Have you or any member of your family been a party or a witness in a litigation? If so, were you or your family member a party or witness? What was the nature of the litigation?
51. Have you ever served as juror before? If so,
- a. Have you served on a criminal jury, a civil jury, or both?
 - b. When was the last time you served on a jury?
 - c. Have you ever served as a jury foreperson? If so, was the case a civil or criminal case?
 - d. Is there anything about that experience that would prevent you from being fair and impartial in this case?
52. Do you believe employees who are wrongfully terminated deserved to be compensated?
53. Have you ever been hired, fired, demoted, or otherwise treated differently at a job because a co-worker or supervisor wanted to engage in a sexual relationship with you?

PART II:

- 1. What is your full name?
- 2. Where were you born?
- 3. Where do you live? How long have you lived there?
- 4. Describe the neighborhood racially where you reside.
- 5. What is the highest level of education that you completed?
- 6. How many languages can you conversationally speak in?
- 7. What was your favorite subject in grade school?
- 8. Are you employed? If so, what is your job?

9. Are there other adults in your household? If so, how are they employed?
10. Do you or your partner keep track of the finances in the home?
11. If you are retired, what work did you do before you retired?
12. Do you have children? How old are they? Are they in school? If they are employed, how are they employed?
13. Do you have hobbies?
14. What do you do on the weekends?
15. Are you a member of any organizations? If so, which ones?
16. How do you keep up on current events?
17. What do you believe is the greatest problem facing the American worker in this country?

PART III:

1. Is there anything about this case that bothers you in any way?
2. Do any of the jurors have any eyesight problems?
3. Do any of the jurors have any hearing problems?
4. Are any of the jurors suffering problems, physically, which make it difficult to sit for any extended period of time?
5. Are any of you suffering any emotional problems/situations which would make it difficult for you to concentrate on someone else's problems and to sit and listen to evidence for a period of time?
6. If you are chosen in this case, do you know of any reason why you could not sit as an impartial juror?

7. Do any of you have personal problems, such as pending divorce, bankruptcy/anything else which would make it difficult for you to sit and consider evidence and to concentrate for a period of time?
8. Are there any illnesses in the family/hospitalizations or other such known situations which would be distracting to you and therefore make it difficult to concentrate and consider evidence in this case?
9. If the situation were turned around, and you were a party to this lawsuit, would you want someone with the frame of mind that you presently have about what you've heard about this case sitting as a juror?
10. Can you apply the law as given to you by the judge in this case irrespective of what law may have been given to you to apply in any other case in which you may have served as a juror?
11. Do you own stock in any casualty insurance company?
12. Have you ever worked for a casualty insurance company?
13. If you are chosen as a juror, will you stand by your own opinion based on the evidence that comes into the trial?
14. Do the jurors understand that this is a civil case and not a criminal case and that no one will go to prison as a consequence of the verdict herein.
15. Will you let anybody shake your opinion? If you believe that the defendants are liable for the wrongful conduct, will you stick with your opinion?
16. If you are chosen as a juror in this case will you stand on your own individual analysis of the evidence and not be swayed by any emotions of other jurors?

17. Do you find it difficult to make up your mind who is right and who is wrong in a family dispute or a problem at the office?
18. When faced with a difficult decision, would you rather leave it to someone else so you won't be blamed if the wrong decision is made?
19. If the vote is such in the jury room that you are the only person holding a particular view, will you stand firm in your position and not be swayed by emotion and pressure?
20. Would you be embarrassed within your family/neighborhood or with your relatives if you brought a finding of liability against the Defendants?
21. Will you agree not to let political party affiliation cloud your judgment of the facts in this case?
22. Assuming that some loved one of yours were seeking compensation for job discrimination caused by alleged wrongful conduct of his/her employer, would you feel satisfied with nine jurors of the same mind as yours to stand judgment in the case of your friend or loved one?
23. What is your initial reaction when you hear a claim of discrimination?
24. Would you give more credence to testimony of someone of a particular race? If so, what race and why?
25. Does discussing issues related to employment discrimination based on race create any level of discomfort or uneasiness for you?
26. Does discussing issues related to a hostile work environment in employment based on racism or disability create any level of discomfort or uneasiness for you?
27. Have you ever been discriminated against because of your race or disability?
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28. Once a person has experienced workplace discrimination, do you think that person should just get over it?
29. Once a person experiences a hostile work environment at work, do you think that the person should just get over it?
30. Do you believe that a person who complains that he or she has been a victim of discrimination/retaliation and/or constitutional violations is only trying to get attention?
31. Do you disapprove of the legal principle that the Plaintiff may recover damages from the Defendant if it is proved by the preponderance of the evidence that Defendant deprived Plaintiff of rights protected by the Constitution and laws of the United States/State and City of New York?
32. Do you feel that people should be compensated for the deprivation of their civil and legal rights?
33. Does any member of the jury hold the belief that mental anguish, conscious pain and suffering, fear, embarrassment, humiliation, discrimination, and retaliation if proved by the evidence, should not be compensated for in money damages?
34. If the Judge were to instruct you that such compensation in the form of a substantial amount was proper under the law, would you have any hesitation about making such an award if the evidence warranted and supported it?
35. Is there any member of the jury who has a belief, now, without hearing any evidence of the law, that the Defendants should not be held responsible for the actions complained of even if the claims of the Plaintiff are proven?

36. Is there any monetary figure which you believe, in your mind, is too high, that you could not agree to award Plaintiff despite what the evidence supported and what the Judge tells you?
37. Do you believe that a person who complains that he or she has been a victim of discrimination or retaliation on the job:
- Is only trying to get attention?
 - Is actually trying to cover up for his/her failures?
 - Is trying to discredit the employer and superiors?
38. Would you have any fault to find with the law that says that a person who takes the witness stand, regardless of his profession, has equal dignity with any other person who takes the witness stand?
39. If the Plaintiff testifies in this case, would you give him the same credence that you would give to any other witness?
40. Do you think that a person can be scared/frightened/coerced into giving testimony, directly/indirectly; and will you weigh all factors regarding an individual to determine whether the individual might be giving testimony which he believes to be true but which is indirectly or directly given in support of a position because of other factors such as interrelationships/mistaken testimony?
41. If you have any doubt or question concerning these very important matters, then you are asked to raise your hand at the time of questioning and call it to the attention of the Court. If you have such a feeling or concern that you cannot be fair and impartial, are you willing to advise the Court?